

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition
for Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
**(FCC Triennial Review
9-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING REQUESTS TO DELAY THE SCHEDULE**

In a message sent by electronic mail on November 4, 2003, AT&T Communications of California, Inc., (AT&T) requested that the workshop to discuss "batch cut" issues scheduled for November 17, 2003, in this proceeding be delayed to either November 20 or 21, 2003 and that the workshop report be delayed until December 2, 2003 rather than November 24, 2003. AT&T requests the delay arguing that its key witness for these issues will be unavailable that week until Thursday, November 20, 2003. AT&T e-mailed its message of request to those parties who have entered appearances and appear on the service list on the Commission's web site.

It is ruled that the hot cut workshop date shall remain as currently scheduled on November 17, 2003. In the interests of meeting the Commission's mandate to complete this proceeding within nine months, the schedule previously set for the hot cut workshop shall not be delayed as requested by

AT&T. Multiple parties are participating in this proceeding coordinating multiple issues, and the Commission's schedule cannot necessarily accommodate the convenience of every individual representing each party. The schedule adopted for this proceeding has many interconnected elements that must be coordinated, and the integrity of the schedule must be observed if the Commission is to meet its nine-month completion commitment. The granting of one party's request for a delay runs the risk of encouraging other requests for similar delay accommodations, and risks unraveling a schedule that already is tightly packed.

As an example of this concern, on the heels of AT&T's request, an additional communication was sent by electronic mail on November 5, 2003 by another party, SBC California (SBC). In its communication, SBC also asks to delay the filing of its opening testimony on the batch cut process from Friday November 7, 2003, to Monday November 10, 2003. SBC makes its request for delay expressly "in light of AT&T's request to move the batch cut workshop to November 20 or 21," and the fact that SBC's experts will be involved in a 13-state collaborative session with the CLECs on November 6 and 7, 2003.

The concerns expressed above concerning the need to maintain the integrity of the schedule likewise applies to SBC's requested delay. Since the request by AT&T for delay is being denied, that rationale for further delay cited by SBC no longer applies. Moreover, SBC waited until November 5 to request the delay even though the schedule has been set since October 8, 2003. The rationale for SBC's request is similar to that of AT&T, in that it relates to schedule coordination of particular staff personnel. If particular individuals representing AT&T, SBC, or other parties have conflicts with the Commission's adopted schedule, the respective party should make appropriate arrangements to make

available other substitute personnel, or make other arrangements as appropriate to meet their responsibilities under the adopted schedule.

IT IS RULED that the requests of AT&T Communications of California, Inc. and SBC California are hereby denied for delays of the schedule with respect to the hot cut workshop and testimony. The previously adopted schedule for the hot cut portion of the proceeding shall remain in place.

Dated November 6, 2003 in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Requests to Delay the Schedule on all parties of record in this proceeding or their attorneys of record.

Dated November 6, 2003, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

CERTIFICATE OF SERVICE

I certify that I have by mail to the parties this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Requests to Delay the Schedule on all parties of record in this proceeding or their attorneys of record.

Dated November 7, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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